

E-filed 7/17/07

1 SCOTT N. SCHOOLS, SC SBN 9990
United States Attorney
2 JOANN M. SWANSON, CSBN 88143
Assistant United States Attorney
3 Chief, Civil Division
ILA C. DEISS, NY SBN 3052909
4 Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
6 Telephone: (415) 436-7124
FAX: (415) 436-7169

7 Attorneys for Defendants

9
10
11 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

12 BO TANG,)
13 Plaintiff,) No. C 07-0683 JF
14 v.)
15 MICHAEL CHERTOFF, Secretary of the)
Department of Homeland Security;) STIPULATION TO EXTEND HEARING
16 EMILIO T. GONZALEZ, Director of) DATE ON THE PARTIES' CROSS-
United States Citizenship and Immigration) MOTIONS FOR SUMMARY JUDGMENT;
17 Services;) AND [PROPOSED] ORDER
18 DAVID STILL, San Francisco District Director,)
United States Citizenship and Immigration)
Services;)
19 ROBERT S. MUELLER, III, Director) Date: July 27, 2007
of the Federal Bureau of Investigation,) Time: 9:00 a.m.
20 Defendants.) Courtroom: 3, 5th Floor
21

22 The plaintiff, by and through his attorney of record, and defendants, by and through their
23 attorneys of record, hereby stipulate, subject to approval of the Court, to extend the hearing date
24 on the parties' motion for summary judgment, which is currently scheduled for July 27, 2007, in
25 light of the following:

26 1. On June 1, 2007, the Court scheduled a hearing on the parties' cross-motion for summary
27 judgment for July 27, 2007.
28 2. On July 2, 2007, the State Department issued an "Update on July Visa Availability" stating

1 that there were no more employment-based visa numbers available for the rest of the fiscal year,
2 attached hereto as Exhibit A.

3 3. The State Department will not be issuing any more employment-based visas until October
4 2007, and USCIS is unable by statute to adjudicate the application for adjustment of status.

5 4. Therefore, the parties hereby request this Court to vacate the July 27, 2007 hearing date and
6 to hold the case in abeyance until visas become available. Within three days of visas becoming
7 available the parties agree to reset the hearing date on the cross-motions for summary judgment.

Dated: July 11, 2007

/s/

ILA C. DEISS
Assistant United States Attorney
Attorney for Defendants

Dated: July 11, 2007

/s/

JUSTIN FOK
Attorney for Plaintiff

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that the case is held temporarily held in abeyance and the July 27, 2007 hearing is vacated. A Status Conference is set for November 9, 2007 at 10:30 AM.

Dated: July 17, 2007


JEREMY FOGEL
United States District Judge